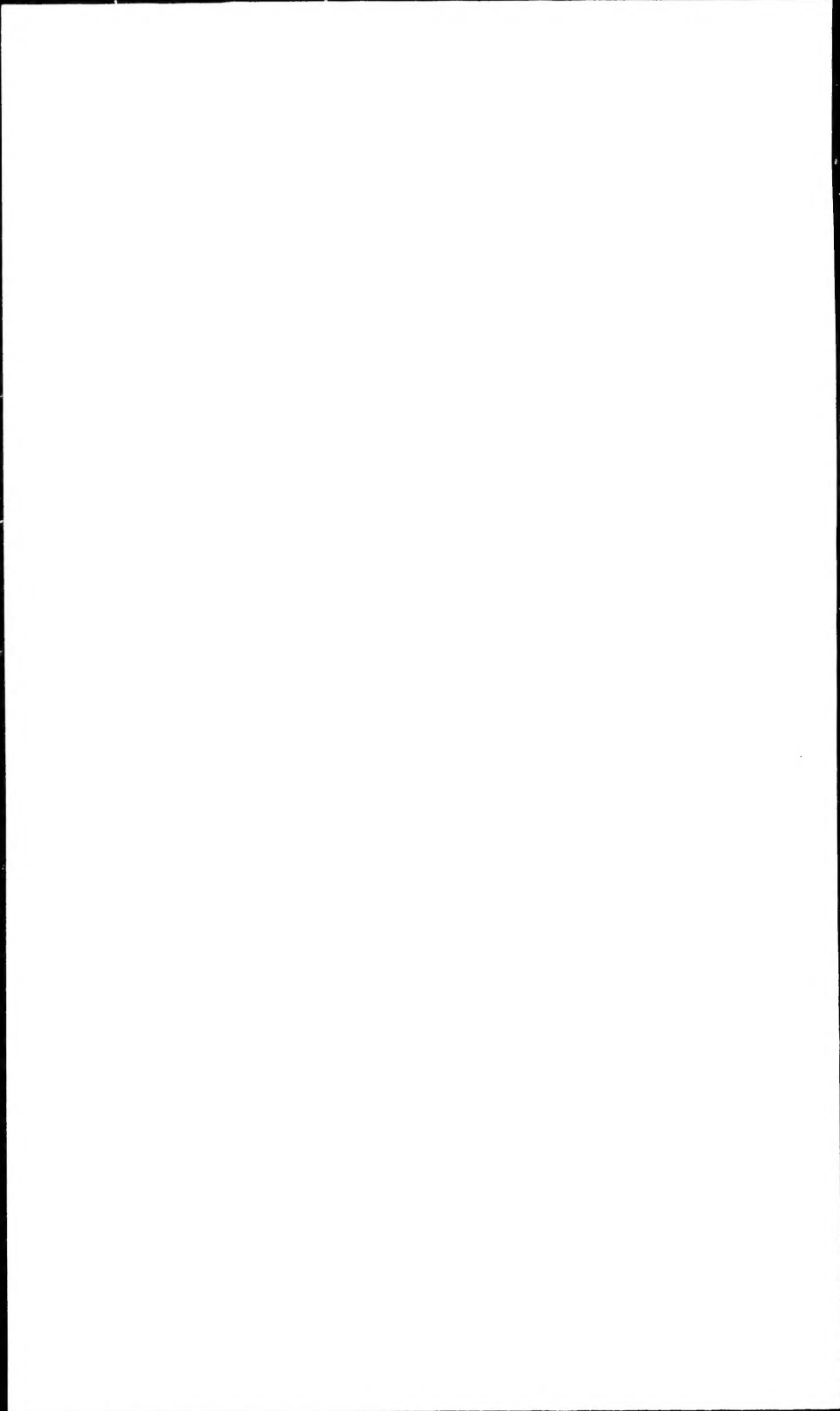




PROCEEDINGS

HAD IN THE LEGISLATURE OF UPPER CANADA,

DURING THE YEARS 1831-2 & 3.

ON THE SUBJECT OF THE

L A N D S

SET APART BY

His late Most Gracious Majesty, King George the Third.

FOR THE

PURPOSE OF SCHOOLS;

TOGETHER WITH

SUNDRY DESPATCHES AND DOCUMENTS RELATIVE TO THE
SAME SUBJECT.

Montreal:

PRINTED BY DESBARATS & DERBISHIRE,
Printers to the Queen's Most Excellent Majesty.

1845

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PROCEEDINGS
ON
SCHOOL LANDS.

HOUSE OF ASSEMBLY,

Thursday, January 20, 1831.

Mr. MORRIS gives notice that he will move, to-morrow, for an Address to His Excellency the Lieutenant Governor, requesting His Excellency to lay before this House, copies of all documents, which have been received from His Majesty's Government, authorising the survey, reservation and sale, of certain townships of land, called School Townships.

Friday, January 21, 1831.

Agreeably to notice, Mr. MORRIS, seconded by Mr. A. FRASER, moves that an Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency may be pleased to lay before this House copies of such documents as may at any time have been received from His Majesty's Government, authorising the survey, reservation, sale and appropriation of certain townships called School Townships.

Ordered.

Mr. MORRIS, seconded by Mr. A. FRASER, moves that Messrs. McMartin and Clarke be a Committee to draft and report the said Address.

Ordered.

Mr. McMARTIN, from the Committee appointed to draft an Address to His Excellency the Lieutenant Governor for documents rela-

tive to School Reserve Townships, reported a draft, which was received and read twice, adopted, and ordered to be engrossed and read a third time this day.

Agreeably to the order of the day, the Address to His Excellency for information relative to lands reserved for school purposes, was read the third time, passed and signed, and is as follows:—

To His Excellency SIR JOHN COLBORNE, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most respectfully request that Your Excellency may be pleased to communicate to this House, copies of all such documents as Your Excellency may be possessed of, which authorise the survey, reservation, sale or appropriation of certain lands in this Province, called School Townships.

ARCHD. McLEAN,
Speaker.

*Commons House of Assembly,
21st day of January, 1831.*

Mr. A. FRASER, seconded by Mr. CLARKE, moves that Messrs. Morris and McMartin be a Committee to wait on His Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address of this House on the subject of School Townships; and to present the same.

Ordered.

Monday, 24th January, 1831.

Mr. MORRIS, from the Committee to wait on His Excellency the Lieutenant Governor with the Address of this House relative to

School Townships, reported delivering the same, and that His Excellency had been pleased to make the following answer :—

GENTLEMEN,

The documents required in this Address shall be laid before the House of Assembly.

Wednesday, February 2d, 1831.

J. COLBORNE.

The Lieutenant Governor transmits to the House of Assembly, copies of authorities for reserving the School Townships, and also such documents as will afford information to the House respecting the measures which have been proposed to secure endowments for the District and for Township Schools.

*Government House,
2d February, 1831.*

*Extract of a Despatch from the Duke of Portland to Mr.
President Russell, dated Whitehall, 4th November, 1797.*

“ His Majesty has taken into His Royal consideration the petition of the Legislative Council and House of Assembly, humbly imploring ‘ His Majesty that he would be graciously pleased to direct His Government in this Province to appropriate a certain portion of the waste lands of the Crown as a fund for the establishment and support of a respectable Grammar School in each district thereof, and also of a College or University for the instruction of youth in the different branches of liberal knowledge,’ and being always ready to shew his parental regard for the welfare of his subjects in the furtherance of so important an object as the instruction of youth, and to assist and encourage the exertions of his province in laying the foundation for promoting sound learning and a religious education, he has condescended to express his most gracious intention to comply with the wishes of the Legislature of his Province of Upper Canada in such manner as shall be judged to be most effectual.

First, by the establishment of Free Grammar Schools in those districts in which they are called for, and in due process of time by

establishing other seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning and the study of the arts and sciences. With this view, I am to direct you to consult the members of His Majesty's Executive Council, and the Judges and Law Officers of the Crown in Upper Canada, and report to me, in what manner and to what extent a portion of the Crown Lands may be appropriated and rendered productive towards the formation of a fund for the above purposes, out of which His Majesty may according to his pleasure allot such salaries as he shall judge proper for the school-masters of such free schools, who are to be appointed by His Majesty's Governor, or the person administering His Majesty's Government within the Province for the time being, subject to His Majesty's approbation, signified through one of his principal secretaries of state."

(Copy.)

Government House, May 30th, 1823.

SIR,

Earl Bathurst having, in a late Despatch to the Lieutenant Governor, signified the sanction of His Majesty's Government to a plan proposed by His Excellency of forming a general Board of Education in this Province, as will be shewn by the enclosed papers, Nos. 1 and 2, I have been commanded by His Excellency to request that this subject may engage the early attention of the Executive Council.

A Board of fit persons to carry into effect the proposed plan, will be immediately nominated by the Lieutenant Governor, and it occurs to His Excellency, that the object which in the first place requires the consideration of the Committee, is the appropriation of some portion of the land set aside for the endowment of an University, in such manner as shall most readily and securely create a fund to enable the general board of education to enter on its duties, either by conveying such portion of lands in trust to the Board, (subject in all its proceedings to the sanction of the Executive Government) or by such other mode as may to the Committee appear more expedient.

I have the honor to be,

&c., &c.,

G. HILLIER.

The Hon. the Presiding Councillor.

*Extract from a Despatch addressed to Sir P. Maitland by
the Earl Bathurst.*

"I am happy to have it in my power to convey to you His Majesty's consent that you appropriate a portion of the reserves set aside for the establishment of an University, for the support of schools on the national plan of education."

(Copy.)

York, 7th December, 1828.

SIR,

I have the honor to transmit for the information of His Excellency the Lieutenant Governor, the following statement relative to the lands set apart for the purposes of education.

In 1798 twelve townships were selected, containing about 740,000 acres, which after deducting the Crown and Clergy Reserves, left, according to the report of the Surveyor General, about 549,217 acres. Of this quantity there has been transferred to Government, in lieu of the Crown Reserves with which King's College is endowed, 225,273 acres.

For the purpose of carrying into effect a plan submitted to Earl Bathurst by His Excellency Sir Peregrine Maitland, about 190,517 acres have been more especially placed under the care of the general board, leaving out of the original appropriation, for Schools or for the University, about 134,000 acres.

I have the honor to be, &c.

(Signed) **GEORGE H. MARKLAND.**

Mr. Secy. MUDGE.

(Copy)

York, 11th March, 1829.

*A general Return of the quantity of Land reserved for Education in this
Province.*

In 1798, twelve townships, containing about 740,000 acres, were appropriated for education, which, after deducting the Crown and Clergy Reserves, left, according to the Report of the Surveyor General, about 549,217 acres.

In 1823, Lord Bathurst having signified by despatch to Sir Peregrine Maitland the sanction of His Majesty's Government to a plan proposed by His Excellency of forming a General Board of Education, a reference was made to the Executive Council to set apart a portion of the land reserved for the endowment of Schools. The Council, in consequence, recommended that the townships of Yarmouth, Westminster, Southwold, Middleton, Houghton and Blandford, together with Seymour and Sheffield, containing about 194,828 acres, be applied to carry into effect the intentions of His Majesty's Government.

Besides this quantity, 225,273 acres have been transferred to the Crown, in lieu of leased reserves with which King's College is endowed, and there remain, therefore, about 133,427 acres not specially appropriated.

The Townships originally set aside, were Alfred and Plantagenet, in the Ottawa District ; Bedford, Hinchinbroke and Sheffield, in the Midland District ; and Blandford, Houghton, Middleton, Southwold, Westminster and Yarmouth in the London District. Alfred and Plantagenet being found not to contain vacant land, Luther and Proton were substituted.

Memorandum of the Lieutenant Governor to the Executive Council.

From the documents which the Lieutenant Governor has examined, he finds that in 1819, the Executive Council, after reading the Duke of Portland's Despatch of 1797, in answer to an Address from the two Houses of the Provincial Legislature, soliciting an appropriation of Crown Lands for the support of an University, and Schools, stated that the appropriation of the quantity of land referred to by the Committee appointed to take into consideration the Duke of Portland's Despatch, was not sufficiently sanctioned to authorise grants in other portions than those limited by His Majesty's Commission, and recommended that an authority should be obtained, to sell and lease, grant and dispose of five hundred thousand acres, for the purpose of establishing an University in this Province.

That in 1822, Sir Peregrine Maitland submitted to His Majesty's Government, a plan for organising a general system of Education,

and suggested the expediency of applying the proceeds of the sale of part of the lands, under the title of School Reserves, to carry it into effect,—and of reserving the remainder for the future endowment of an University, should such an establishment not be considered advisable at present ; and proposed also, that an introductory school on the national plan, in each town of a certain size, should be established, and that the number of schools should be increased as the circumstances of the Province might require.

That Lord Bathurst, in his despatch of the 12th October, 1823, in reply to those proposals, having approved of a portion of those Reserves set aside for the establishment of an University, being appropriated for the use of Schools, on a national plan of education, Sir P. Maitland requested the attention of the Executive Council to this subject, in order that a portion of the School Reserves might be disposed of, to form a fund to enable the General Board of Education to enter on its duties.

That a Committee of the Executive Council, on examining extracts from Lord Bathurst's despatch of the 12th October, 1823, recommended eight townships to be applied to carry into effect the intentions of His Majesty's Government.

The Lieutenant Governor is of opinion, that central township schools should be formed and endowed ; that each endowment should be secured under the Great Seal ; that no masters should be appointed to these schools, unless qualified to teach the elements of the Latin language, and of Mathematics ; and that the District Schools should also be endowed with land.

Government House,

May, 1830.

Mr. MORRIS, seconded by Mr. SOLICITOR GENERAL, moves, that the documents sent to this House by His Excellency the Lieutenant Governor, on the subject of the School Lands of this Province, be referred to a Select Committee, composed of Messrs. Burwell and Berczy, with power to send for persons and papers, and to report thereon by Bill or otherwise.

In amendment, Mr. PERRY, seconded by Mr. BIDWELL, moves that the names of Messrs. Buell, and Campbell be inserted after the name of Berczy.

Which was carried.

The original question, as amended, was then put and carried.

Mr. MORRIS, seconded by Mr. BURWELL, moves that 200 copies of the documents sent to this House by His Excellency the Lieutenant Governor, relative to the School Lands of this Province, be printed for the use of Members.

Ordered.

Thursday, Feb. 3, 1831.

Mr. MORRIS, Chairman of the Select Committee on School Lands, seconded by Mr. A. FRASER, moves that an Address be presented to His Excellency the Lieutenant Governor, requesting His Excellency to lay before this House, copies of the following documents referred to in the paper sent to this House by His Excellency on the second instant respecting School Lands, viz :

The Joint Address to His Majesty, of the Legislative Council and House of Assembly, referred to in the Despatch of the Duke of Portland ;

The Report of the Executive Council, and the opinion of the Judges and Law Officers of the Crown in Upper Canada, on the same subject ;

Papers, Nos. 1 & 2, referred to in the letter of Mr. Secretary Hillier, dated Government House, May 13, 1823 ;

So much of the despatch to Sir Peregrine Maitland by the Earl Bathurst, as relates to the School Lands, together with all such documents and proceedings as relate to their appropriation, transfer or sale, and also an account of the number of acres of these lands sold in each District, the average price per acre, the amount of money received by their sale, and an account in detail of its application, and the expense of collection ;

And that Messrs. Burwell and Berczy be a Committee to draft and report the same.

Ordered.

Mr. BURWELL, from the Committee to draft an Address to His Excellency the Lieutenant Governor, for certain documents and information relative to School Lands, reported a draft, which was received and read twice, adopted and ordered to be engrossed and read a third time this day ; and is as follows :

To His Excellency SIR JOHN COLBORNE, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request Your Excellency to lay before this House, copies of the following documents referred to in the paper sent to this House by Your Excellency, on the second instant, respecting School Lands, viz. :

The Joint Address to His Majesty, of the Legislative Council and House of Assembly, referred to in the despatch of the Duke of Portland ;

The Report of the Executive Council and the opinion of the Judges and Law Officers of the Crown in Upper Canada, on the same subject ;

Papers, Nos. 1 & 2, referred to in the letter of Mr. Secretary Hillier, dated Government House, May 13, 1823.

So much of the despatch to Sir Peregrine Maitland by the Earl Bathurst, as relates to the School Lands, together with all such documents and proceedings, as relate to their appropriation, transfer or sale ; and also an account of the number of acres of these lands sold in each District, the average price

per acre, the amount of money received by their sale, and an account in detail of its application and the expense of collection.

ARCHD. McLEAN,
Speaker.

Commons House of Assembly,
3d February, 1831.

Friday, 4th February, 1831.

Mr. INGERSOLL, from the Committee to wait upon His Excellency with the Address of this House for certain documents relative to School Townships and Lands, set apart for the purposes of Education, &c. reported delivering the same, and that His Excellency had been pleased to make thereto the following answer :

GENTLEMEN,

I will direct the information for which you apply in this Address, to be laid before the House of Assembly.

Monday, 7th February, 1831.

Mr. Secretary Mudge brought down from His Excellency the Lieutenant Governor, a Message, which the Speaker read as follows :

J. COLBORNE.

The Lieutenant Governor, in compliance with an address respecting the School Townships, transmits the accompanying documents, and acquaints the House of Assembly, that the Joint Address referred to cannot be found ; but that this document appears unnecessary to establish under whose charge the Reserves were placed, as the substance of the Address is quoted in the Duke of Portland's despatch, and the intention of His Majesty communicated to authorize the Governor in Council to set apart a portion of the Crown Lands towards the formation of a School Fund, " out of which His Majesty may allot such salaries as he shall judge proper." The Reports of the Executive

Council on this subject are annexed, on the framing of which it will be perceived, the Judges and Law Officers of the Crown were consulted.

The document No. 1, referred to in the letter of the 13th of May, 1823, is an extract of Sir Peregrine Maitland's Despatch respecting School Lands and the organization of Schools, and the Document No. 2, referred to, has been laid before the House. It is an Extract from Lord Bathurst's despatch, in answer to the suggestions of Sir Peregrine Maitland.

The account of the Board of Education to the end of the year 1829, including the expense of collection of proceeds of sale of School Lands, and their application, has been laid before the House of Assembly at the last Session. The detailed account of the number of Acres sold in each Township, and the account of the Board to the end of 1830, shall be forwarded to the House.

The Lieutenant Governor acquaints the House, that the arrangements for the endowment of the Upper Canada College are not yet completed, and that he has suggested the expediency of dividing and exchanging part of the land of the School Townships, for the purpose of raising the value of the School Lots, and transferring an equal number of Acres in other Townships to the Board of Education.

The Report of the Executive Council on this subject is annexed.

*Government House,
7th February, 1831.*

(Copy.)

Council Chamber, 6th November, 1798.

SIR,

Having received directions from the Duke of Portland, one of His Majesty's Principal Secretaries of State, to consult the Members of His Majesty's Executive Council, and the Judges and Law Officers of the Crown in Upper Canada, and report to His Grace, in what manner, and to what extent, a portion of the waste Lands of the Crown

may be appropriated and rendered productive towards the formation of a fund for the establishment of Free Grammar Schools, in those Districts in which they are called for, and in due process of time by establishing Seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the arts and sciences ; out of which His Majesty may, according to his pleasure, allot such salaries as he shall judge proper for the School masters of such Free Schools, who are to be appointed by His Majesty's Governor, or the person administering His Majesty's Government, subject to His Majesty's approbation.

I am to request you will be pleased to meet the Chief Justice and the Members of His Majesty's Executive Council, at the Council Chamber, on Friday the 9th instant, for the purpose of taking the above subject into your consideration, and reporting to me your opinions thereon, that I may transmit them to the Duke of Portland for His Majesty's information.

I have the honor to be, Sir,

Your most obedient

Humble Servant,

(Signed) PETER RUSSELL.

(Copy.)

The CHIEF JUSTICE, by direction of the Board, wrote the following letter to His Honor the President :

November 10, 1798.

SIR,

The Committee on His Grace the Duke of Portland's letter, on the subject of Schools, direct me to inquire of Your Honor, whether it is your pleasure that we should each of us report his opinion, separately, or whether the Chairman is to report to you a plan agreed upon by us all.

Your most obedient

Humble servant,

(Signed) J. ELMSLEY, C. J.

To His Honor the President,
&c. &c. &c.

York, 12th November, 1798.

SIR,

I have had the honor to receive your letter of Saturday, desiring to know whether the Members of the Committee on His Grace the Duke of Portland's letter on the subject of Schools, are to report their opinion separately, or whether the Chairman is to report the plan agreed upon by them all. In answer to which, I can only have the honor to say, that in my opinion, a report from the Chairman of the plan unanimously agreed upon would be less troublesome, both to the Committee and His Grace,—and would probably throw equal if not more light upon the subject, than the opinions of the members stated separately; I shall therefore only request a general report, signed by the Chairman; however I do not mean by this to preclude any of the gentlemen from favoring me with their own sentiments, in addition to the general advice, as I believe it is the desire of His Majesty's Ministers to obtain all the information possible on a subject of such importance to the future welfare of this Province.

I have, &c.

(Signed)

PETER RUSSELL.

To the Honorable JOHN ELMSLEY, C. J.

(Copy.)

*Council Chamber at York,
1st December, 1798.*

READ the Report of the Board, formed of the members of His Majesty's Executive Council and the Judges and Law Officers of the Crown in Upper Canada, who were directed to take into their consideration the letter from His Grace the Duke of Portland, on the establishment of Grammar Schools and other places of education in this Province; and the same having received the approbation of the President in Council, it was ordered, "That the Report be fairly copied, that it may be transmitted without delay to His Grace the Duke of Portland for the information of His Majesty."

C. J.

The Report is as follows :

*Council Chamber,
1st December, 1798.*

SIR,

I have the honor to inform you, that in obedience to your order of the 6th ultimo, the members of His Majesty's Executive Council, the Judges and the Law Officers of the Crown, met together in this place on the nineteenth ultimo, and on several occasions since, and took into their consideration the letter of His Grace the Duke of Portland on the establishment of Grammar Schools and other places of Education in the Province. It is not to be expected that on a subject of such extent, the opinions of so many persons as were assembled to consider of it, should exactly coincide ; I have, however, the satisfaction to say, that in our general views of the system to be adopted, we are nearly agreed, and that the difference with respect to the mode in which it is to be carried into effect, is not very considerable.

As it was Your Honor's pleasure that the Chairman should collect the opinions of the several members of the Board and digest them into one report, I took the liberty of distributing the subject into the five following heads, and of requesting their thoughts on each, viz :

1st. The sum to be raised—2d. The number of acres to be appropriated—3d. The purposes to which the fund is to be applied—4th. The number of Schools and the places where they are to be erected—5th. The number now necessary.

It is now my duty to state to Your Honor, the general result of the whole ; and should I either misrepresent the sentiments of the Board, or fail to give the effect they deserve, I trust that Your Honor will impute the blame to me only, and do justice to the several members by referring to the opinions of each, which I have subjoined by way of schedule.

When the subject was first opened, it seemed to be the unanimous opinion, that the intention of the Royal Founder of the free Grammar Schools and University of Upper Canada, could not be effectuated, but by a liberal provision for their establishment and maintenance ; and each member of the board seemed deeply impressed with a conviction, that in making his estimate of the extent of that provision, it would be much safer to allow too much than too little ; for as

the application of the funds will always be directed by the beneficent wisdom which has created it, the excess may at any time be applied to other purposes, equally worthy of the original intention, and equally conducive to the happiness of the Province ; but it will be difficult and perhaps impossible, if the present moment be neglected, to find at a future period the means of effecting the object before us, without much expense and a delay almost subversive of the purpose.

Under this impression, the Board proceeded to consider in detail the purposes to which the proposed fund should, when raised, be applied, and seemed to be unanimous in thinking that they may be reduced to three :

1st. The erection of the necessary buildings ;

2nd. The payment of the salaries of the masters ;

3d. The keeping of the buildings in repair, the purchase of books, and philosophical apparatus, and other purposes essential to places of education, but in general too costly to be provided by individuals.

1st. With respect to the sum to be expended on the erection of the necessary buildings, the Board conceived, that taking the average price of labor in the four Districts of the Province, the sum of £3000, provincial currency, will be sufficient to erect a plain but solid and substantial building, containing a School room sufficient to hold an hundred boys, without danger to their health from too many being crowded together ; and also a set of apartments for the master, large enough not only for the accommodation of his family, but also for the very desirable purpose of enabling him to take a few of his pupils as boarders. Some few outbuildings may also be necessary, for the use of the master, which, if they will not come within this estimate, will not much exceed it, and may easily be provided for hereafter.

2nd. As the extent of the salaries of the masters is expressly reserved for the Royal consideration, we do not presume to mention any particular sum as sufficient for that purpose ; but as it is necessary for us in making our estimate, to calculate upon some given sum, and as His Excellency the Lieutenant Governor thought the sum of £100 provincial currency, a sufficient allowance for the master of the School erected under his auspices at Kingston,—we beg leave to take

that sum as the average for the salary of the masters of each school, and half of it for the salary of an under-master, in case it should be thought expedient to have one.

3d. The sum of £30 per annum seems to be a sufficient sum for keeping the building in repair ; the provision for the purchase of books, philosophical apparatus, &c. relates to the endowment of the University rather than to that of the Grammar School, and is only mentioned that it may not appear to have been forgotten in our calculation.

It appeared, therefore, to be the general opinion of the Board, that a sum not exceeding £3000 provincial currency, and an annual income of £180, will be amply sufficient for the establishment and support of a free Grammar School in each District. The next object was, to consider the mode, by which that sum and that income are to be raised.

With respect to the former the Board had but one opinion, viz. : that it can only be raised by the sale of part of the waste lands of the Crown. If the institutions in question are to be deferred, until they can be provided for from the annual income of any quantity of land that can be appropriated for them, they will be deferred either until they have been superseded by other institutions, or until four or five generations of ignorance and vice have rendered them useless.

The annual income must equally be derived from the waste lands of the Crown, and may, in the apprehension of the Board, be raised by one or other of the four following modes.

- 1st. By the sale of so much of those lands as will raise a sum, which if invested in the British funds, will produce the sum of £180 as interest.
- 2d. By reserving such a portion of those lands as, when leased, will produce that sum as rents.
- 3d. By appropriating to the same purpose, such parts of the present Crown Reserves as are capable of yielding a present rent ; or,
- 4th. By selling a portion of the waste lands of the Crown, (always distinguishing between waste lands of the Crown and

Crown Reserves) and laying out the proceeds in the purchase of lands which, from their quality, local situation, or state of cultivation, either yield or may be made to yield a present rent.

On each of these modes the Board begs leave to submit the following considerations :

With respect to the first, it observes, that besides the disadvantage of the daily decreasing value of an income which is to be applied to a permanent purpose—and which arises from money or which is reserved in money, it will require the sale of a quantity of land, considerably beyond any that the Board would venture to mention, to raise a sum which, at the rate of 5 per cent. per annum, would yield the sum of £180 as interest. For we conceive it to be generally, though perhaps not universally true, that whenever lands in this country are capable, from quality, situation or any other circumstance, yielding a rent, a capital laid out in the purchase of those lands is much more productive than one lent at interest on either private or public security, and there is this additional advantage on the side of the former, that both the real and the nominal value of rent will increase with the increasing prosperity of the country, while the real value of interest decreases with the decreasing value of money, in a proportion to which the increase of our prosperity is not a counter-balance. The Board therefore considers this mode of raising the income required, as wholly out of the question.

Of the remaining three modes, the Board considers that which proposes to provide the necessary income, by reserving for the use of these institutions a certain portion of the waste lands of the Crown, and leasing them for a rack-rent, as incomparably the best ; both because it is the cheapest, and because it leaves the fund of Crown Reserves, from which the other public purposes of the Province may hereafter be supplied, untouched ; but it is certain that the present circumstances of the Province do not authorize us to expect much income from such a source for some years at least. It may therefore be necessary to break in upon the Crown Reserves, and to appropriate such of them as are now capable of yielding rent, to the present purpose ; and should the fund, even after this assistance, be still inadequate, nothing will remain but to recur to the fourth of the proposed

modes, and to lay out a part of the sum arising from the sales in the purchase of lands capable of producing the income required.

The object which next engaged the attention of the Board, was to consider, in what parts of the several Districts of the Province the proposed schools and seminary should be erected. On this point we were unanimous in thinking that the towns of Cornwall, Kingston, Newark, and Sandwich, are the most proper places for the sites of the four schools. We were equally unanimous in considering the town of York as entitled to the University, both as being the seat of the Executive Government, the Legislature and the Courts of Justice, and as being by far the most convenient spot, in the Province for all general purposes—its situation being nearly central, and besides its accessibility by water, the proposed high road from the one end of the Province to the other being necessarily to pass near it, or through it.

There was not the same coincidence of opinion with respect to the number of schools which the several members of the Board consider as now necessary. Each part of the Province seemed to have its claims; and might consider itself as injured, if it were postponed to any other; some of the gentlemen were of opinion that four schools were now necessary, and that the whole number should be begun at the same time; others thought that besides the necessity of managing the fund in the most frugal manner, the present circumstances of the Province do not call for the erection of more than two schools; and that if the situations of these two are obviously selected, not with a view to any particular district, but to the Province at large, there will be no room for any jealousy among the several parts of it. After some discussion, this opinion was acceded to, and the Towns of Kingston and Newark were selected, the former for the Eastern and the latter for the Western half of the Province. But it was at the same time stipulated and agreed, that as soon as the fund should be sufficiently productive, the Towns of Cornwall and Sandwich shall each receive a similar mark of the Royal munificence.

Nothing now remains but that I should state to your Honor the extent of the appropriation of waste lands, which in the conceptions of the members of the Board, is necessary for the purpose in question; and on this subject I am happy to say, that our calculations approach as nearly to each other as could reasonably be expected.

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I believe I may state it as our unanimous opinion, that the appropriation should cover such a portion of the waste lands of the Crown as, if now sold, would produce the sum of £18,000 Provincial Currency : estimating the present average price of land at about 9d. per acre, the quantity required will be nearly 500,000 acres or ten Townships, after the deduction of the Crown and Clergy sevenths.

It is obvious, that if the four schools are all erected immediately, and the allowance which our estimate proposes for them is not extravagant, a much larger sum than that which I have mentioned will be necessary, and consequently a much larger appropriation must be made. But in the manner in which we propose that the fund should be managed, we conceive that the quantity above mentioned will not only be amply sufficient for the establishment and support of the four schools, but will be nearly if not quite adequate to the erection and endowment of the University which the Royal bounty has promised to provide for us, whenever the advancement of the Province calls for such an institution.

Having trespassed so long upon your Honor's time and attention, I shall not trouble you with the detail of the manner in which we conceive that the proposed fund should be managed, because I hope that it will be sufficiently apparent from the following resolutions, into which the Board has condensed all that it has to offer on the interesting and important subject which has engaged it : I have therefore the honor to inform you that the members of His Majesty's Executive Council, the Judges and the Law Officers of the Crown, after much reflection and deliberation on the matter referred to them, are of opinion :

1st. That an appropriation of 500,000 acres, or ten townships, after deducting the Crown and Clergy sevenths, will be a sufficient fund for the establishment and maintenance of the Royal foundation of four Grammar Schools and an University in the Province of Upper Canada.

2nd. That the present circumstances of the Province call for the erection of two of those schools, one at the Town of Kingston, the other at the Town of Newark.

3rd. That for the purpose of building a plain but solid and substantial house, containing a school-room sufficient to contain 100 boys,

and apartments for the master, large enough for the accommodation of a moderate family and the reception of from ten to twenty boys as boarders, the sum of £3,000 Provincial Currency for each, will be a sufficient allowance.

4th. That for the purpose of raising that sum, a portion of the appropriation be sold in the manner directed by His Grace the Duke of Portland with respect to the other waste lands of the Crown.

5th. That for the purpose of defraying the salaries of a master and under-master, in case an under-master should be thought necessary, and also for the purpose of keeping the buildings in repair, and making such additions thereto as circumstances shall require, the annual sum of £180 Provincial Currency for each school, will be a sufficient allowance.

6th. That in order to raise this annual sum, such parts of the waste lands of the Crown in the different parts of the Province be selected, as from the quality of the soil, or from their local situation, are most likely to yield an annual rent—and that they be leased in the manner heretofore recommended by His Majesty's Executive Council with respect to the Crown and Clergy Reserves.

7th. That if the income arising from the lands so reserved and leased be insufficient for the purposes above mentioned, a similar selection be made from the Crown Reserves.

8th. That if, after this addition, the fund be still insufficient, a further portion of the appropriated land be sold, and the money arising from the sale invested in the purchase of other lands so situated as to yield a present rent.

9th. That whenever the Governor, Lieutenant Governor, or Person administering the Government, in Council, shall be of opinion that the circumstances of the Province call for the erection of two other schools, and also that the appropriation fund is sufficient not only to bear the expense of the erection and endowment of those two schools, but also to leave a residue sufficient for the establishment and future maintenance of a Seminary of a larger and more comprehensive nature, the same steps be pursued with respect to such two schools, as have been already recommended with respect to the two schools at Kingston and Newark.

10th. That the provision for the establishment and maintenance of the University be at least equal to that for the four schools taken together.

I have the honor to be,

&c. &c. &c.

(Signed)

J. ELMSLEY, C. J.

I perfectly accord with this Report in all its parts.

(Signed)

PETER RUSSELL,
President.

Document No. 1, referred to in Mr. Secretary Hillier's letter to the Executive Council of the 12th May, 1823, respecting School Lands.

(Extract of a Despatch from Sir P. Maitland to Earl Bathurst.)

"Much good might be effected by the organization of a general system of education, an object to which might be applied the proceeds of the sale of some portion of the lands set aside under the title of 'School Reserves,' consisting of 12 townships, comprising 740,000 acres, still however reserving a certain portion for the future endowment of an University, should such an establishment not be considered advisable at present."

"It is proposed to establish one introductory school on the national plan, in each town of a certain size. It is supposed that a salary of one hundred pounds per annum to the master of each such school would be sufficient. The number of these schools may be increased as the circumstances of the Province may require, and the means allow."

(Copy)

To His Excellency Sir PEREGRINE MAITLAND, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

The Committee of the Executive Council, to whom Your Excellency was pleased to refer the consideration of a plan for establishing

a University in this Province, assembled this day, and by Your Excellency's permission, requested the attendance and assistance of His Majesty's Attorney General.

A letter was read from his Grace the Duke of Portland to Lieutenant Governor Simcoe, bearing date the 22d June, 1796, acknowledging the receipt of a letter from the Bishop of Quebec, upon the subject of a school of a higher class, which His Grace then did not think necessary in Upper Canada. A letter was also read from His Grace, bearing date the 4th Nov. 1797, acknowledging an Address from the two Houses of the Legislature, requesting an appropriation of the Crown Lands for the establishment of Schools, and communicating His Majesty's pleasure to acquiesce in their petition, directing the Governor to consult the Members of the Executive Council, the Judges and Law Officers, on the requisite means to report to His Grace for His Majesty's information, what schools were then necessary, and also to erect and endow a University.

On this letter the Committee named, reported four schools to be necessary, a sum of three thousand pounds requisite to erect them, and an annual sum of one hundred and eighty pounds to pay a master and sub-master and keep the building in repair; and the sum of three thousand six hundred and twenty pounds for a University.

That a fund to raise this sum would require five hundred thousand acres of land, which was recommended to be set apart for such purpose,—and the report, approved by the President, was directed to be transmitted for the information of His Majesty's Government.

No answer to this report, or further confirmation of it, can be traced in the office of the Executive Council. The committee, therefore, concurring in opinion with His Majesty's Attorney General, that the appropriation of that quantity of land is not sufficiently sanctioned to authorise a grant in other portions than limited by His Majesty's commission, humbly recommend that Your Excellency do call the attention of His Majesty's Government to a formal sanction under the Royal Sign Manual, or the signature of His Majesty's Principal Secretary of State for the Colonies, to sell, lease, grant and dispose of the said five hundred thousand acres of land, for the purpose of establishing a University in this Province.

In the mean time, in conformity to Your Excellency's pleasure, the Committee proceeded to consider the detail required by Your Excellency.

In pursuing this object, the Committee first observe that provision for District Schools is not now required out of this fund, being made by the Legislature. The scale established by the former Committee appears, at present, very inadequate.

The Committee is of opinion that a sum not less than ten thousand pounds will be required to erect a suitable building and provide a library, philosophical apparatus, and a botanic garden.

That an annual sum of four thousand pounds may be deemed necessary to defray the salaries of Principal, Professors, Preceptors, Scholarships, Librarian, Gardener, and other officers with other contingencies.

That to raise these sums, it will be proper that a sale of land should be made from time to time, to meet with security the exigencies of the establishment until the revenue will supply the annual expenditure.

That a commission should permanently attend, with large powers to sell and lease the land and manage its revenues, under the direction of the Executive Government. It is also considered, that it would conduce much to the importance and utility of the projected University, if its constitution should be by a Royal Charter. All which is humbly submitted.

By order,

(Signed,) W. DUMMER POWELL, C. J.

*Executive Council Chamber,
York, 7th January, 1819.*

Extract of a Report of the Executive Council to the Lieutenant Governor, dated 17th November, 1830.

The Council entirely concurs in the recommendations of Your Excellency, assuming that an equivalent in lands may be so arranged in the proposed exchanges, as neither to prejudice the interests of the

Crown nor of the School fund ; and indeed it appears to the Council, that the measure suggested will be highly favorable to the public interests in affording the Crown the means of dispensing more generally through the country the many respectable emigrants arriving from Europe.

Mr. MORRIS, seconded by Mr. BURWELL, moves that the Message of His Excellency the Lieutenant Governor on the subject of School Lands, together with the accompanying documents sent down by His Excellency this day, be referred to the Select Committee on School Lands.

Ordered.

Mr. MORRIS, seconded by Mr. BURWELL, moves that 200 copies of the Message of His Excellency and the documents accompanying it, be printed for the use of Members.

Ordered.

Wednesday, 23d February, 1831.

* Mr. MORRIS, from the Select Committee to whom were referred the several documents sent down by His Excellency the Lieutenant Governor on the subject of School Lands, informed the House, that the Committee had agreed to a Report, which he was directed to submit for the adoption of the House.

The Report was received, and was read as follows :

Report of Select Committee on School Lands.

The Committee appointed to consider and report on the documents sent down to this House by His Excellency the Lieutenant Governor, on the subject of School Lands, respectfully make this their first Report.

Your Committee upon a perusal of these important papers, learn, that in the year 1797, the Legislative Council and House of Assembly of this Province, passed a joint Address to His Majesty, " implor-

ing that His Majesty would be graciously pleased to direct the appropriation of a certain portion of the waste lands of the Crown as a fund for the establishment and support of a respectable Grammar School in each district thereof; and also of a College or University for the instruction of youth in the different branches of liberal knowledge." To which His Majesty was graciously pleased to express his intention, "to comply with the wishes of the Legislature of His Province of Upper Canada, in such manner as should be judged to be the most effectual—First, by the establishment of Free Grammar Schools in those districts in which they are called for, and in due process of time by establishing other seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the arts and sciences." For which purpose, Mr. President Russell was directed to consult the Members of the Executive Council and the Judges and Law Officers of the Crown, and to report in what manner and to what extent a portion of the Crown Lands might be appropriated and rendered productive towards the formation of a fund for these purposes, out of which His Majesty might allot such salaries as he should judge proper for the school-masters of such free schools as should thereafter be appointed; and on the 1st December, 1798, the Executive Council reported to Mr. President Russell, that an appropriation of 500,000 acres, or ten townships, after deducting the Crown and Clergy sevenths, would be a sufficient fund for the establishment and maintenance of the Royal foundation of four Grammar Schools and an University in the Province of Upper Canada, and that the proposed School Fund should, when raised, be applied:

1st. For the erection of the necessary buildings.

2nd. For the payment of the salaries of the masters.

3rd. For keeping the buildings in repair, and the purchase of books and philosophical apparatus; and that £3000 currency should be applied to erect each building; and £180 per annum, for the establishment and support of a free Grammar School in each District.

The Council also reported, that the towns of Cornwall, Kingston, Newark and Sandwich, were at that time the most proper places for the sites of the four schools first necessary,—and that the town of York was the most suitable for a University; and that two of the

schools, namely at Kingston and Newark, should be commenced first ; and that whenever the appropriated fund should be found sufficient not only to bear the expense of the erection and endowment of those two schools, but also to leave a residue sufficient for the establishment and future maintenance of a seminary of a larger and more comprehensive nature, that steps should be taken to endow the two other schools.

The Executive Council also recommended, that the provision for the establishment and maintenance of the University should at least be equal to that for the four schools taken together.

Your Committee, upon looking over the remaining documents which His Excellency had the goodness to communicate to this House, are informed that the attention of the Council was again directed to the School Land Reservation, on the 7th January, 1819, and that they reported to His Excellency Sir P. Maitland, that no trace of any answer to the Report of the Council of 1st December, 1798, could be found in the Council Office : that as they were of opinion with the Attorney General, that the appropriation of land was not sufficiently sanctioned to authorize a grant in other portions than limited by His Majesty's Commission, they thought it proper to recommend that His Excellency should call the attention of His Majesty's government to a formal sanction to sell, lease, grant and dispose of the said 500,000 acres of land for the purpose of establishing a University in this Province, endowed by Royal Charter, as provision for District Schools was not by them thought necessary out of this fund, as it had been already made by the Legislature ; and that in order to construct the necessary building, the sum of £10,000 would be required, with an endowment of £4000 per annum for the payment of salaries.

From this condensed view of the proceedings of the Executive Council on the munificent provision for the diffusion of Education in this Province, the Committee are struck with the singular fact, that no apparent benefit has resulted to the inhabitants of the country from the school reservation for a period of 30 years ; and that the original intention of the Legislature, expressed in the Joint Address to His Majesty, as well as His Majesty's most gracious desire to meet their wishes by the establishment of Free Grammar Schools in those Districts in which they are called for, and in due process of time to

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establish other seminaries of a more extensive nature, have hitherto, as far as your Committee can judge, been lost sight of; and for no other reason that your Committee can discover, than that a School has, by an Act of the Legislature, been already established in each District, with a salary of £100 to the Master. But this very limited provision, your Committee respectfully submit, ought not to deprive the people of their just claim to a participation in the benefits of the School Lands; and to that end the Committee suggest, that the House ought now to address His Majesty, setting forth the great value of these lands, and the ample means which they afford to carry into effect the benevolent intentions of His late Royal Father, by an endowment from their proceeds for each District of at least £400 which added to the present appropriation would support eleven respectable seminaries, where the youth of the Province generally might receive a liberal education without being removed many hundred miles from the tender care and watchful authority of their parents, as must be the case if those lands are exclusively applied to establish and support King's College or any other extensive University, which can only be viewed as of benefit to those whose wealth enables them to bear the great expense of sending their children to the capital of the Province. Your Committee also recommend, that besides the above endowment, the sum of £2000 might be set apart for the annual support of a Provincial Seminary at York, whether called "Upper Canada College" or by any other name; and that a suitable sum should be expended to erect the necessary buildings, and also to defray the expense of buildings for Free Grammar Schools. That besides these endowments, your Committee are of opinion that the great value and extent of the Reservation will afford the means of providing a salary of £50 each to the teachers of at least 12 township schools in every district, and thus give to Upper Canada a system of education that might well be envied by any other colony in His Majesty's dominions.

The data upon which your Committee have made the foregoing suggestions, are the following, viz.: that the whole reservation of 549,217 acres, if sold at the average price of 10s. per acre, would give a capital of £274,608, producing, if invested at the rate of 5 per cent. interest, an annual income of £13,730—a sum sufficient to endow the schools which your Committee conceive to be necessary, be-

sides leaving an important balance to defray the expense of the sales and collecting the money ;

11 Grammar Schools at £400 is.....	£4,400
1 College at York.....	2,000
132 Township Schools, being 12 in each District, at £50.....	6,600
Balance.....	730
	£13,730

Your Committee, in assuming that these lands will sell at the above rate, conceive, that they have much underrated their actual value, as it is generally understood that the Council of King's College have estimated 225,273 acres of Crown Reserves, which were exchanged for, and now form a part of the School Reservation, as worth one pound an acre.

Your Committee, taking all the circumstances of this highly important subject into their most serious consideration, and averse to an extensive endowment out of this fund to King's College, or any other University, until the original intention of founding a free Grammar School in each District has first been carried into effect, earnestly recommend to the house that an humble address be forthwith transmitted to His Majesty, respecting the manifest injury that is inflicted on the inhabitants of this Province, by the endowment of the best half of the School Reservation for the establishment of a seminary far exceeding the wants of the country, and solemnly beseeching His Majesty to listen to the anxious desire of his faithful subjects in Upper Canada, by arresting the alienation of these lands from their original purpose, and placing them under the control of the Legislature, and for this object your Committee submit the following Resolutions for the consideration of the House.

All which is respectfully submitted.

W. MORRIS,
Chairman.

*Committee Room, House of Assembly,
23d February, 1831.*

Resolved, That His Majesty, in the year 1797, was graciously pleased to communicate to the government of this Province, by a

Despatch from the Duke of Portland to Mr. President Russell, in answer to a joint address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown, as a fund for the establishment and support of a Free Grammar School in those Districts in which they are called for, and in due process of time to establish other seminaries of a more comprehensive nature.

Resolved, That although more than 30 years have elapsed, since His Majesty made this gratifying communication, it does not come within the knowledge of this Committee, that even one free Grammar School has been endowed from these lands, or any other seminary established, in consequence of that reservation, except a school at the seat of government called the Royal Grammar School.

Resolved, That the establishment by the Legislature of a public school in each district, with a salary of £100 currency paid out of the provincial treasury to the master, does not afford sufficient means to instruct the youth of the Province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the District Grammar Schools.

Resolved, That it is most important to the contentment and welfare of the people of this Province, that the school lands be applied to the purposes for which they were originally intended, and immediate steps taken to represent to His Majesty's government, that the several districts, from their extensive and rapidly increasing population, are now in a state to require the establishment of free grammar schools with a suitable endowment, which schools, if incorporated with the present District Schools, would afford the means of respectable support to a master and two assistants in each, and thereby enable the inhabitants generally to confer the blessings of a liberal education on their children, and find employment as masters for such of them as may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

Resolved, That it would be much more satisfactory to the people of this Province, if the monies arising from the sale of school lands were paid into the hands of the Receiver General, and the fund placed at the disposal of the Legislature instead of the present arrangement, as not only the control of the funds, but the general

superintendence and organization of the whole system, would thus be open to public inspection and approval.

Resolved, That an humble Address be presented to His Majesty, setting forth the substance of the foregoing resolutions, and imploring His Majesty's early attention to the anxious hope of His Majesty's faithful subjects of Upper Canada, that the School lands may not be applied to any other object than that for which they were intended by His Majesty's late Royal Father.

Wednesday, March 16th, 1831.

Agreeably to the order of the day, the House went into a Committee of the whole on the Report of the Select Committee on School Lands.

Mr. CLARK was called to the Chair.

The House resumed.

Mr. CLARK reported, that the Committee had agreed to a resolution, which he was directed to submit for the adoption of the House.

The report was received, and the resolution was adopted *nem. con.* as follows :

Resolved, That His Majesty, in the year one thousand seven hundred and ninety-seven, was graciously pleased to communicate to the government of this Province, by a Despatch from the Duke of Portland to Mr. President Russell, in answer to a joint Address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown, as a fund for the establishment and support of a free grammar school in those districts in which they are called for ; and in due process of time to establish other seminaries of a more comprehensive nature.

Present—Messrs. Attorney General, Beardsley, Bidwell, Boulton, Burwell, Campbell, Chisholm, Clark, W. Crooks, Duncombe, Elliott, Howard, Ingersoll, Jarvis, Lyons, McCall, D. McDonald, Mackenzie, McNab, Maçon, Mount, Perry, Randal, Robinson, Roblin, Sampson, John Wilson, W. Wilson.

Wednesday, 21st December, 1831.

Agreeably to the order of the day, the Journals of the last Session relative to School Lands, were read, (MS. Copy, page 407, 2d vol. Appendix.)

Mr. MORRIS, seconded by Mr. DUNCOMBE, moves that the House do now resolve itself into a committee on the proceedings of last Session, relative to the School Lands Reservation.

Which was carried, and Mr. CLARK was called to the Chair.

The House resumed, the Black Rod being at the door.

The Speaker left the Chair.

The Chairman resumed the chair of Committee.

The House resumed.

Mr. CLARK reported that the Committee had agreed to several resolutions, which he was directed to submit for the adoption of the House.

The Report was received.

The first Resolution was put and carried as follows :

Resolved, That His Majesty, in the year 1797, was graciously pleased to communicate to the Government of this Province, by a Despatch from His Grace the Duke of Portland, to Mr. President Russell, in answer to a joint Address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown, as a fund for the establishment and support of a free grammar school in those districts in which they are called for, and in due process of time to establish other seminaries of a more comprehensive nature.

The second Resolution was then put and carried *nem. con.* as follows :

Resolved, that although more than thirty years have elapsed since His Majesty made this most gratifying communication, it does not come within the knowledge of this house, that even one free grammar

school has been endowed from these lands, or any other seminary established out of that reservation.

Present—Messrs. Attorney General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Maçon, Morris, Mount, Norton, Perry, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

The third Resolution was then put and carried, *nem. con.* as follows :

Resolved, That the establishment by the Legislature of a public school in each district, with a salary of one hundred pounds currency paid out of the Provincial Treasury to the master, does not afford sufficient means to instruct the youth of the province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the District Grammar Schools.

Present—Messrs. Att. General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Maçon, Morris, Mount, Norton, Perry, Randall, Robinson, Roblin, Samson, Shade, Shaver, Solicitor General, Thomson, Vankoughnet, Warren, Werden, and W. Wilson.

The fourth Resolution was then read as follows :

Resolved, That it is most important to the contentment and welfare of the people of this Province, that the school lands be appropriated to the purposes for which they were originally intended, and immediate steps taken to represent to His Majesty's Government, that the several Districts, from their extensive and rapidly increasing population, are now in a state to require the establishment of free grammar schools with a suitable endowment, which schools, if incorporated with the present district schools, would afford the means of respectable support to a master and two assistants in each, and thereby enable the inhabitants generally to confer the blessings of a liberal education on their children, and find employment as masters for such of them as

may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

In amendment, Mr. PERRY, seconded by Mr. BIDWELL, moves, that all the words in the original resolution be expunged after the word "endowment," and the following words inserted, "which would enable the inhabitants generally to confer the blessings of a liberal education on their children."

On which the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Berczy, Bidwell, Buel, Clark, A. Fraser, Howard, McCall, A. McDonald, McMartin, Norton, Perry, Randall, Roblin, Shaver, Warren, W. Wilson,—16.

Nays—Messrs. Attorney General, Boulton, Crooks, Duncombe, Elliott, Ingersoll, Jones, Lewis, McNab, Maçon, Morris, Mount, Robinson, Samson, Shade, Solicitor General, Thomson, Vankoughnet, Werden.—19.

The question of amendment was decided in the negative by a majority of three.

The original question was then put and carried *nem. con.*

Present—Messrs. Attorney General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Maçon, Morris, Mount, Norton, Perry, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

The fifth Resolution was then put and carried, *nem. con.*, as follows :

Resolved, That it would be much more satisfactory to the people of this Province, if the monies arising from the School Lands were paid immediately into the hands of the Receiver General, and the fund placed at the disposal of the Legislature, instead of the present arrangement, as not only the control of the funds, but the general superintendence and organization of the whole system would be thus open to public inspection and approval.

Present—Messrs. Attorney General, Berczy. Bidwell, Boulton, Buell, Chisholm, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Maçon, Morris, Mount, Norton, Perry, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor General, Thomson, Van-koughnet, Warren, Werden, and W. Wilson.

The sixth Resolution was then put and carried as follows :

Resolved, That an humble Address be presented to His Majesty, setting forth the substance of the foregoing Resolutions, and imploring His Majesty's early attention to the anxious hope of His Majesty's faithful subjects of Upper Canada, that the school lands may not be applied to any other object than that for which they were intended by His Majesty's late Royal Father.

The seventh Resolution was then put and carried as follows :

Resolved, That the Chairman be instructed to draft and report to the House, an Address to His Majesty, founded on the foregoing Resolutions.

Agreeably to order, Mr. CLARK, Chairman of the Committee of the whole, on the subject of School Lands, reported the draft of an Address to His Majesty, which was received, read twice, concurred in, and ordered to be engrossed and read a third time to-morrow.

Thursday, December 22, 1831.

Agreeably to the order of the day, the Address to His Majesty on the subject of School Lands was read the third time.

On the question for passing the same, Mr. PERRY, seconded by Mr. BIDWELL, moves in amendment, that the Address do not now pass, but that the same be now referred to a Committee of the whole House.

Which was carried, and Mr. McMartin was called to the Chair.

The House resumed.

Mr. McMartin reported the Address as amended.

The Report was received, and the Address was ordered to be engrossed and read a third time this day.

Friday, December 23, 1831.

Agreeably to the order of the day, the Address to His Majesty on the subject of School Lands was read a third time, and passed *nem. con.*, and is as follows :

To the King's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly approach Your Majesty, to represent that, in the year 1797, Your Majesty's Royal Father was graciously pleased to communicate to the Government of this Province, in answer to a joint Address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown as a fund for the establishment and support of a Free Grammar School in those Districts in which they are called for, and in due process of time to establish other seminaries of a more comprehensive nature.

That although more than thirty years have elapsed since His Majesty made this gratifying communication, it does not appear that even one Free Grammar School has been endowed from these lands, or any other Seminary established out of that reservation.

We would further represent to Your Majesty, that the establishment (by the Legislature) of a Public School in each District, with a salary of one hundred pounds, currency, paid out of the Provincial Treasury, to the Master, does not afford sufficient means to instruct the youth of the Province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the Free Grammar Schools. It is therefore most important to the contentment and welfare of the people of this Province that the School Lands, amounting to five hundred and forty-nine thousand, two hundred and seventeen acres, be applied to the purposes for which they were originally intended ; and as the several Districts are, from their extensive and rapidly increasing population, in a state to require the establishment of Free Grammar Schools, which, if suitably endowed

and incorporated with the present District Schools, would afford the means of respectable support to a Master and two assistants in each, and thereby enable the inhabitants of the colony to confer the blessing of a liberal education on their children, and find employment as Masters for such of them as may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

We also represent to Your Majesty, that it would be much more satisfactory to the people of this Province if the monies arising from the School Lands were paid into the hands of the Receiver General, and the fund placed at the disposal of the Legislature, instead of the present arrangement; as not only the control of the funds, but the general superintendence and organization of the whole system would thus be open to public inspection and approval.

We therefore humbly implore Your Majesty to place the School Lands at the disposition of the Legislature of the Province, to be applied exclusively for the purposes intended by Your Majesty's Royal Father.

ARCHIBALD McLEAN,
Speaker.

*Commons House of Assembly,
23rd day of December, 1831.*

Present—Messrs. Attorney General, Berczy, Bidwell, Chisholm, Clark, Crooks, Duncombe, Elliott, A. Frazer, R. Fraser, Howard, Ingersoll, Jones, Ketchum, Lewis, McCall, D. McDonald, McMartin, Maçon, Morris, Mount, Perry, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

Mr. MORRIS, seconded by Mr. THOMSON, moves that an humble Address be presented to His Excellency the Lieutenant Governor, informing His Excellency that this House has passed an Address to His Majesty on the subject of the Clergy Reserves, and also an Address relative to the School Lands, and requesting His Excellency to transmit the same to His Majesty—and that Messrs. Samson and Cook be a Committee to draft and report the said Address.

Ordered.

Mr. SAMSON, from the Committee to draft an Address to His Excellency the Lieutenant Governor, requesting His Excellency to

transmit the Address to His Majesty on the subjects of Clergy Reserves and School Lands, presented a draft, which was received and read twice, concurred in, and ordered to be engrossed and read a third time this day.

Monday, 26th December, 1831.

Mr. SAMSON, from the Select Committee to wait upon His Excellency the Lieutenant Governor to know when he would be pleased to receive this House with their Address requesting His Excellency to transmit the Addresses to His Majesty on the subject of the Clergy Reserves and School Lands, reported that His Excellency had been pleased to name the hour of 10, A. M., to-morrow.

J. COLBORNE.

In transmitting the accompanying memorials and correspondence, in compliance with an Address from the House of Assembly, the Lieutenant Governor acquaints the House, that from the Documents in his possession it appears that in compliance with an Address to the King from the Legislative Council and House of Assembly, in the year 1797, praying that a certain portion of the waste lands of the Crown might be appropriated for the establishment and support of a Grammar School in each District, and also a College or University for the instruction of youth in the different branches of liberal knowledge, the Secretary of State for the Colonies expressed His Majesty's intention to comply with the wishes of the Legislature in such a manner as should be judged most effectual,—First, by the establishment of Free Grammar Schools in the Districts in which they were called for, and in due time, by establishing other seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the arts and sciences—and directed that the Executive Council and Law Officers should be consulted on this subject.

In consequence of these instructions, the Local Government, in 1798, recommended 12 townships to be set apart for the purposes of education, or about 549,217 acres, and it appears that none of the Reserves were alienated till the year 1823, when Lord Bathurst authorized a General Board of Education to be formed, and a portion of the Reserves to be applied under the management of the Board towards raising a fund for the establishment of Township Schools.

In the year 1827, His Majesty's Government ordered 255,273 acres of the lands originally set apart for the purposes of education, to be transferred to the Crown in lieu of the leased Crown Reserves granted to the University as an endowment for that institution—and lately, 66,000 acres have been set apart for the support of Upper Canada College and Royal Grammar School, and for the purpose of raising a fund from which the advances made to establish that seminary by the University Council and by the Board of Education, may be repaid.

*Government House,
24th December, 1831.*

Thursday, 8th November, 1832.

Mr. MORRIS gives notice, that he will to-morrow move for an Address to His Excellency the Lieutenant Governor, requesting His Excellency to inform this House, what quantity of the School Lands Reservation has been sold, what quantity is now remaining at the disposition of the Legislature, shewing in what Districts and Townships the same are situated.

Friday, Nov. 9, 1832.

J. COLBORNE.

The Lieutenant Governor transmits to the House of Assembly, a copy of a Despatch from His Majesty's Principal Secretary of State for the Colonies, on the subject of the Address of the House to the King respecting the proceeds of the sale of lands set apart for the support of schools.

*Government House,
November, 9th 1832.*

(Copy.) No. 83.

*Downing Street, London,
5th July, 1832.*

SIR,

I have had the honor of receiving, and laying before His Majesty, your despatch of the 13th February last, enclosing an Address from the Assembly of Upper Canada, praying that the "School Lands within the Province may be applied to the purposes for which they were originally intended," and further representing that it would be much more satisfactory to the people of the Province, if the monies arising from the School Lands were paid into the hands of the Receiver General, and the fund placed at the disposal of the Legislature.

I have received His Majesty's commands to direct you to inform the Assembly, at their next meeting, that He has been graciously pleased to accede to their request, and that the sums arising from the sale of that portion of the School Lands which has not already been alienated, will be paid into the hands of the Receiver General, to be applied in the promotion of Education in such manner as the Legislature may direct.

I have, &c.

GODERICH.

Maj. Gen. Sir John Colborne, K.C.B.

Wednesday, 14th November, 1832.

Agreeably to notice, Mr. MORRIS, seconded by Mr. BUELL, moves that an Address be presented to His Excellency the Lieut. Governor, requesting that His Excellency may be pleased to lay before this House a statement of the number of acres of School Lands which have been alienated, and the number remaining; and to inform this House in what Districts and Townships they are situated.

In amendment, Mr. BURWELL, seconded by Mr. WILLIAM WILSON, moves, that after the word "situated" in the original motion, the following be added—"And also a statement of the number of acres of land which have been granted by His Majesty's Government to individuals, in the School Townships of Southwold, Yarmouth, Houghton, Middleton, Westminster, and Blandford,—shewing also the number of acres which have been granted in each of said townships to surveyors, in compensation for surveying; and an account of the quantity and situation of such lands as may have been set apart by His Majesty's Government for School Reserves, in lieu of the lands granted in the said Townships.

Mr. BURWELL, seconded by Mr. W. WILSON, moves that Messrs. John Wilson and Boulton be a Committee to draft an Address to His Excellency the Lieutenant Governor in pursuance of the resolution of this House on the subject of School Lands.

Ordered.

Mr. JOHN WILSON, from the Select Committee to draft an Address to His Excellency the Lieut. Governor, for information relative to School Lands, reported a draft, which was received, read twice, concurred in, and ordered, engrossed, and to be read a third time tomorrow.

Thursday, 15th November, 1832.

Agreeably to the order of the day, the Address to His Excellency the Lieutenant Governor, requesting information relative to the School Lands, was read a third time, passed, and signed, and is as follows :

To His Excellency Sir John Colborne, K.C.B., Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to request, that Your Excellency will be pleased to direct the proper officer to inform this House, what quantity of the School Lands reservation has been alienated, and what quantity is now remaining at the disposition of the Legislature, shewing in what districts and townships the same may be situated,—and to lay before this House a statement of the number of acres of land which have been granted by His Majesty's Government to individuals in the School Townships of Southwold, Yarmouth, Houghton, Middleton, Westminster, and Blandford,—showing also the number of acres which have been granted in each of said Townships to surveyors in compensation for surveying ; and an account of the quantity and situation of such lands as may have been set apart by His Majesty's Government for School Reserves in lieu of the lands granted in the said townships.

ARCHIBALD McLEAN,
Speaker.

*Commons House of Assembly,
Nov. 15, 1832.*

(Copy.)

J. COLBORNE.

The Lieutenant Governor, with reference to the Address of the House of Assembly of the 15th November, transmits the accompanying communication from the Secretary of the Board of Education and Returns from the Surveyor General ; shewing the number of acres of the Crown Lands which were set apart originally by the Executive Government, for the establishment and support of Grammar Schools and Colleges, in conformity to instructions received from His Majesty's Secretary of State for the Colonies.

*Government House,
17th December, 1832.*

RETURN OF SCHOOL LANDS.

Shewing the Original Reservations—the number of Acres Alienated—the Lands Appropriated in lieu thereof—the per centage granted to Contractors for Surveying—the number of Acres set apart for Upper Canada College—and the Quantity which remains Disposable

RETURN OF SCHOOL LANDS.

Showing the Original Reservations—the number of Acres Alienated in lieu thereof—the per centage granted to Contractors for Surveying—the number of Acres set apart for Upper Canada College—and the Quantity which remains Disposable.

Districts.	Townships.	No. Acres originally reserved.	No. of Acres alienated.	Contractors' per centage.	No. of Acres disposable	Alienated Lands disposed of.	Remarks.
Ottawa	Alfred	25,140	25,140	None.	None.	Granted to Individuals.	Rocky.
	Plantagenet	40,000	40,000	None.	None.	do	
	Bedford	61,220	5,538	2,858	55,684	2,680 Acres granted to Individuals.	
	Hinchinbrooke	51,100	51,100	2,437	None.	48,663 Acres reinvested in the Crown, in lieu of lands granted to the University.	
Midland	Sheffield	55,688	3,158	3,158	53,530	25,000 Acres granted to Upper Canada College.	Good Land.
	Seymour	47,484	47,484	3,515	None.	18,969 Acres reinvested in the Crown, in lieu of scattered Lots granted to U. C. College.	
Newcastle	Blandford	20,400	6,179	1,179	14,221	5,000 Acres granted to Upper Canada College.	Good Land.
	Houghton	19,000	3,102	1,505	15,893	1,597 Acres to Individuals, 600 Acres of which have been reserved in the Township of Warwick.	
	Middleton	35,000	21,267	1,657	10,733	22,600 Acres, granted to Individuals.	
	Southwold	40,500	31,619	719	8,880	30,900 do do do	
	Westminster	51,113	41,913	1,218	9,200	40,725 do do do	
	Yarmouth	20,000	8,110	1,026	11,900	7,964 do do do	
	* Java	12,000	12,000		None.	12,000 Acres Granted to Upper Canada College.	
London	* Luther	66,000	66,000		None.	Reinvested in the Crown, in lieu of Lands granted to University.	Sandy.
	* Sunnidale	38,000	38,000		None.	Do do do	
	* Osprey	50,000	50,000		None.	Do do do	
	* Merlin	40,000	28,312		11,688	23,281 acres reinvested in do—5,031 Acres reinvested in do, in lieu of Lands granted to Upper Canada College.	
Home	* Proton	66,000			66,000	Reserved for Lands granted in Houghton.	Not surveyed, but supposed good.
	Warwick	600			600		
London							Do do
Total Quantity disposable.					258,330		Good Land.

The Townships marked * were substituted in lieu of Land granted to Individuals in the Townships of Alfred, Plantagenet, Bedford, Houghton, Middleton, Southwold, Westminster and Yarmouth.
Surveyor General's Office, York, U. C., 10th Dec., 1832.
S. P. HURD,
S. G.

*Copy of Letter from George H. Markland, Esquire, Secretary
to the General Board of Education.*

14th December, 1832.

SIR,

From the accompanying documents, which have been prepared for the information of His Excellency the Lieutenant Governor, it will appear, that the original reservation of land for the purposes of Education amounted to 467,675 acres, of which 170,719 acres were alienated by grants to individuals, and in lieu thereof 272,600 acres were appropriated to a similar purpose—giving a surplus over and above the quantity deficient of 101,881 acres. There were also alienated, as a per centage to Surveyors, 19,282 acres.

Since the reservation before alluded to, 225,944 acres of it have been re-invested in the Crown, in lieu of scattered Reserves, granted as an endowment to the University of King's College, and 60,000 acres have been set apart for the benefit of Upper Canada College; after which deduction there remains at the disposal of such person or persons as may be appointed for the sale thereof, 258,330 acres.

I have the honor to be, &c.,

GEO. H. MARKLAND.

Lt. Col. ROWAN,
&c. &c. &c.

*Copy of Letter from S. P. Hurd, Esq., Surveyor General.
Surveyor General's Office,
York, 10th Dec., 1832.*

SIR,

In obedience to the commands of His Excellency the Lieutenant Governor, to furnish a statement of the School Lands, agreeably to the Address of the House of Assembly,—I have the honor herewith to transmit to you a Return of the School Lands, shewing the original townships reserved, the number of acres alienated, the lands appropriated in lieu thereof, the Surveyors' per centage, the number of acres set apart for Upper Canada College, and the quantity which remains disposable.

I have the honor to be,

&c. &c.,

S. P. HURD, S. G.

To Lieut. Col. ROWAN,
Secretary to His Excy. the Lt. Gov.
&c. &c.

ACRES.

The original School Townships of Alfred, Plantagenet, Bedford, Hinchinbroke, Sheffield, Seymour, Blandford, Houghton, Middleton, Southwold, Westminster, and Yarmouth, were computed at 549,216 acres, but actually contained.....		467,675
Alienated from the above, for Surveyors' percentage	19,282	
Alienated by grants to individuals.....	170,719	
The Townships of Java, Luther, Sunnidale, Osprey, Merlin and Proton, made School Townships in lieu of the above alienations, contain.....		272,000
Also reserved in Township of Warwick.....		600
		740,275
Re-invested in Crown, in lieu of lands granted to the University.....		225,944
Re-invested in Crown, in lieu of lands granted to U. C. College.....	66,000	
		481,945
School Lands, Disposable.....acres,		258,330
		S. P. HURD.

Memorandum of Lands granted to the Upper Canada College.....		66,000 acres.
25,000 acres in Seymour.		
18,969 acres in scattered lots, for which a like quantity is re-invested in the Crown in the township of Seymour.		
5,000 acres in the township of Blandford.		
12,000 do. do. of Java.		
5,031 do. in scattered lots, for which a like quantity is re-invested in the Crown in the township of Merlin.		
66,000 acres.		

Memorandum of Lands granted to the University under Patent Deed.....		225,944 acres.
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Memorandum of Lands alienated to Individuals :

		25,140 acres in the Township of Alfred.
		40,000 do.....do.....Plantagenet.
		2,680 do.....do.....Bedford.
Alienated in these five Townships:—	{	22,600 do.....do.....Houghton.
		30,900 do.....do.....Middleton.
		40,725 do.....do.....Southwold.
		40,725 do.....do.....Westminster.
		7,084 do.....do.....Yarmouth.
102,906 acres.		
		170,726 acres.

Memorandum :

Alfred and Plantagenet were thrown open for general location under Governor Gore, containing about 65,000 acres, which amount is included in the 170,719 alluded to, leaving 105,719 which have been taken from the original School Townships.

University.....	225,944	Original intention.....	549,217
U. C. College.....	66,000	Deduct.....	291,944
Acres 291,944		Acres 257,273	

APPENDIX.

Monday, 18th June, 1798.

Prayers were read.

The Proceedings of Saturday last were read.

Mr. Solicitor General in his place informed the House, that His Honor the President had given to him in charge a written Message communicating to the House His Majesty's Most Gracious Pleasure respecting the Address of the two Houses of the Parliament of this Province to His Majesty during the last Session relative to the Establishment of Grammar Schools and an University in this Province ; which being delivered to Mr. Speaker and he and the House standing up uncovered the same was read by Mr. Speaker in the following words, to wit :

A Message from the President to the Honorable the Legislative Council and the House of Assembly.

PETER RUSSELL, President.

The President has great satisfaction in being authorized to communicate to the Legislative Council and House of Assembly that His Majesty has been graciously pleased to take into His Royal Con-

sideration their Petition humbly imploring His Majesty that he would be graciously pleased to direct His Government in this Province to appropriate a certain portion of the Waste Lands of the Crown as a fund for the Establishment and Support of a respectable Grammar School in each District thereof, and also of a College or University for the Instruction of Youth in the different Branches of liberal knowledge: and being always ready to shew his Paternal regard for the welfare of His Subjects in the furtherance of so important an Object as the Instruction of Youth, and to assist and encourage the Exertions of His Province in laying the foundation for promoting sound Learning and a Religious Education, he has condescended to express His Most gracious Intention to comply with the wishes of the Legislature of His Province of Upper Canada in such manner as shall be judged most effectual, *first*, by the Establishment of free Grammar Schools in those Districts in which they are called for, and in *due process* of time by establishing other Seminaries of a larger and more comprehensive nature for the promotion of religious and moral Learning and the study of the Arts and Sciences—with this view the President is directed to consult the Members of His Majesty's Executive Council and the Judges and Law Officers of the Crown in Upper Canada—and report to the Secretary of State in what manner and to what extent a portion of the Crown Lands may be appropriated and rendered productive towards the formation of a fund for the above purposes out of which His Majesty may, according to His Pleasure, allot such Salaries as he shall judge proper for School-masters of such free Schools, who are to be appointed by His Majesty's Governor or the person administering the Government within the Province for the time being, Subject to His Majesty's approbation signified thro' one of His Principal Secretaries of State.

On the motion of Mr. Solicitor General, seconded by Mr. Robinson; Resolved, that it is the duty of this House to vote that an Address be presented to His Majesty for having been graciously pleased to take into His Royal Consideration their Petition for the Establishment of Grammar Schools in this Province.

On the motion of Mr. Solicitor General seconded by Mr. Robinson Resolved that this House do request the concurrence of the Legislative Council in a joint Address of Thanks to His Majesty for having been graciously pleased to take into His Royal Consideration their Petition for the Establishment of Grammar Schools in this Province.

On the motion of Mr. Solicitor General seconded by Captain Fraser, Ordered, that Mr. Rodgers and Mr. Beasley be a Committee to communicate the preceding Resolution to the Legislative Council accordingly.

A Message from the Legislative Council informing this House that they concurred in the proposal of a joint Address of thanks to His Majesty for having been graciously pleased to take into His Royal Consideration the Petition of the two Houses of the Parliament of this Province praying for the Establishment of Grammar Schools, &c.

The Committee appointed to draft, in conference with a Committee of the Legislative Council, an Address to the King's Most Excellent Majesty for His Majesty's most Gracious Answer to the Petition of the Parliament of this Province respecting Grammar Schools, &c., reported that they had drafted an Address accordingly which would be sent down by Message from the Legislative Council this day.

A Message from the Legislative Council with the said Address engrossed and signed by the Honorable the Speaker of the Legislative Council.

Mr. Speaker read the said Address.

On the motion of Mr. Solicitor General seconded by Mr. Street—Ordered, that this House do concur in the said Address.

And the same was signed by Mr. Speaker accordingly.

On motion of Mr. Roger seconded by Mr. Jessup—Ordered, that Mr. Solicitor General and Mr. Beasley be a Committee to inform the Legislative Council that this House has concurred in the Address of thanks to His Majesty for His Gracious Intentions respecting Grammar Schools—and do return the said Address to the Legislative Council—and further to inform the Legislative Council, that this House requests that they would appoint a Committee of their House to accompany one from this House to wait upon His Honor the President, to know when His Honor will receive the two Houses with the said Address.

A Message from Council with an Address to His Honor the President.

Mr. Speaker read the said Address.

On motion of Mr. Solicitor General seconded by Mr. Rogers—Ordered, that the House do concur in the said Address—and the same was accordingly signed by Mr. Speaker.

And then the two Houses of Parliament waited upon His Honor the President with their joint Addresses to His Majesty, and to His Honor—and thereupon His Honor was pleased to address the two Houses of Parliament, as follows, to wit :

Honorable Gentlemen of the Legislative Council, and Gentlemen of the Assembly,

I shall take the earliest opportunity of transmitting your very Loyal Address to His Majesty.

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Gentlemen

your very